

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

KYLE WILLIAM BRENIZER TRUST, d/b/a  
Kyle William Brenizer,

Civil No. 20-2163 (JRT/TNL)

Plaintiff,

**ORDER**

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

---

Kyle William Brenizer, Sherburne County Jail, 13880 Business Center Drive  
N.W., Elk River, MN 55330, *pro se* plaintiff.

Based upon the Report and Recommendation by United States Magistrate Judge  
Tony N. Leung dated June 24, 2021 (ECF No. 10), along with all the files and records, and  
no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. This action is **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b)  
for failure to prosecute.
2. Brenizer's Motion and Affidavit for Permission to Proceed *In Forma*  
*Pauperis* (ECF No. 6) is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 15, 2021  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court